

SANDY SPRINGS

GEORGIA

April 18, 2007

Stanley Daniels
Jova/Daniels/Busby
400 Colony Square – Suite 700
1201 Peachtree Street N.E.
Atlanta, Georgia 30361-6319

Subject: **Approval of Use Permit – U07-003 5065 High Point Road**

Dear Mr. Daniels:

Please be advised, the City of Sandy Springs Mayor and City Council approved the use permit and concurrent variance petition for property owned by Congregation Beth Tefillah, Inc. located at 5065 High Point Road. Use Permit petition U07-003 to allow for the addition of a 2,000 square foot mikvah at the existing synagogue was approved by the Mayor and City Council at the April 17, 2007 hearing, subject to the following conditions:

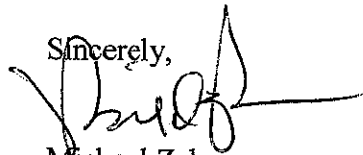
1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Synagogue, mikvah, and associated accessory uses at a density of 4,323.06 square feet per acre or 21,036 square feet, whichever is less (U07-003).
 - b. Preschool and associated accessory uses at a density of 2,794.90 square feet per acre or 13,600 square feet, whichever is less (U07-002).
 - c. To a maximum of 128 students.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated January 16, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of High Point Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.



- b. The light source of new external lighting in the development shall not be directly visible from adjoining residential properties.
- c. The owner/developer shall plant the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north and south property lines to buffer standards as required by the Zoning Ordinance. Said plantings shall be subject to the approval of the Sandy Springs Arborist prior to the issuance of a Land Disturbance Permit.

If it is necessary to submit plans for any permits associated with this property, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me at (770) 730-5600.

Sincerely,

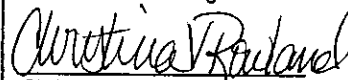


Michael Zehner

Assistant Director of Planning and Zoning

Certification of Approval

I hereby certify that the subject case was approved by the Mayor and City Council of the City of Sandy Springs with the associated conditions on the above stated hearing date.



Christina Rowland, CMC
City Clerk

4/25/07
Date

MZ/pr

U 2007\U07-002 & U07-003\Approval U07-003.doc

U07-002/CV07-002

U07-003

5065 High Point Road
Congregation Beth Tefillah, Inc.



Use Permit Petition No. U07-002/CV07-002 & U07-003

HEARING & MEETING DATES

Community Zoning Information Meeting January 23, 2007	Community Developer Resolution Meeting February 21, 2007	Planning Commission Hearing March 15, 2007	Mayor and City Council Hearing April 17, 2007
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APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Congregation Beth Tefillah, Inc.	Congregation Beth Tefillah, Inc.	Stanley Daniels Jova/Daniels/Busby

PROPERTY INFORMATION

Address, Land Lot, and District	5065 High Point Road Land Lot 40, District 17
Council District	5
Frontage and Area	149.09 feet of frontage along the east side of High Point Road. The subject property has a total area of 4.866 acres.
Existing Zoning and Use	R-2 (Single Family Dwelling District) conditional under Fulton County use permit cases U85-0173, U92-0020, and U92-0021, currently developed with a 19,036 square foot synagogue.
Interim 2025 Comprehensive Future Land Use Map Designation	Community Facility (CF)
Proposed Use	Synagogue, Preschool, and Mikvah

INTENT

USE PERMIT FOR THE ADDITION OF A PRESCHOOL AND A MIKVAH AT THE EXISTING SYNAGOGUE (SECTION 19.4.10, CHURCH, TEMPLE OR PLACE OF WORSHIP)

The applicant is requesting a use permit to allow for the addition of a 13,600 square foot preschool (U07-002) and a 2,000 square foot mikvah (U07-003) at the existing synagogue (19,036 square feet) (Section 19.4.10, *Church, Temple or Place of Worship*).

The applicant is also requesting three (3) concurrent variances as follows:

1. To reduce the required 100 foot building setback to 92 feet adjacent to residentially zoned property along the south property line for a distance of 51 feet for the development of the preschool building (Section 19.4.10, *Church, Temple or Place of Worship*).
2. To allow for an encroachment into the 100 foot building setback adjacent to residentially zoned property with the existing synagogue along the north and south sides of the building (35 feet on the north; 10 feet on the south) (Section 19.4.10, *Church, Temple or Place of Worship*).
3. To allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

U07-002 - APPROVAL CONDITIONAL

CV07-002 Variance #1 - DENIAL

CV07-002 Variance #2 - APPROVAL

CV07-002 Variance #3 - APPROVAL

U07-003 - APPROVAL CONDITIONAL

PLANNING COMMISSION RECOMMENDATION

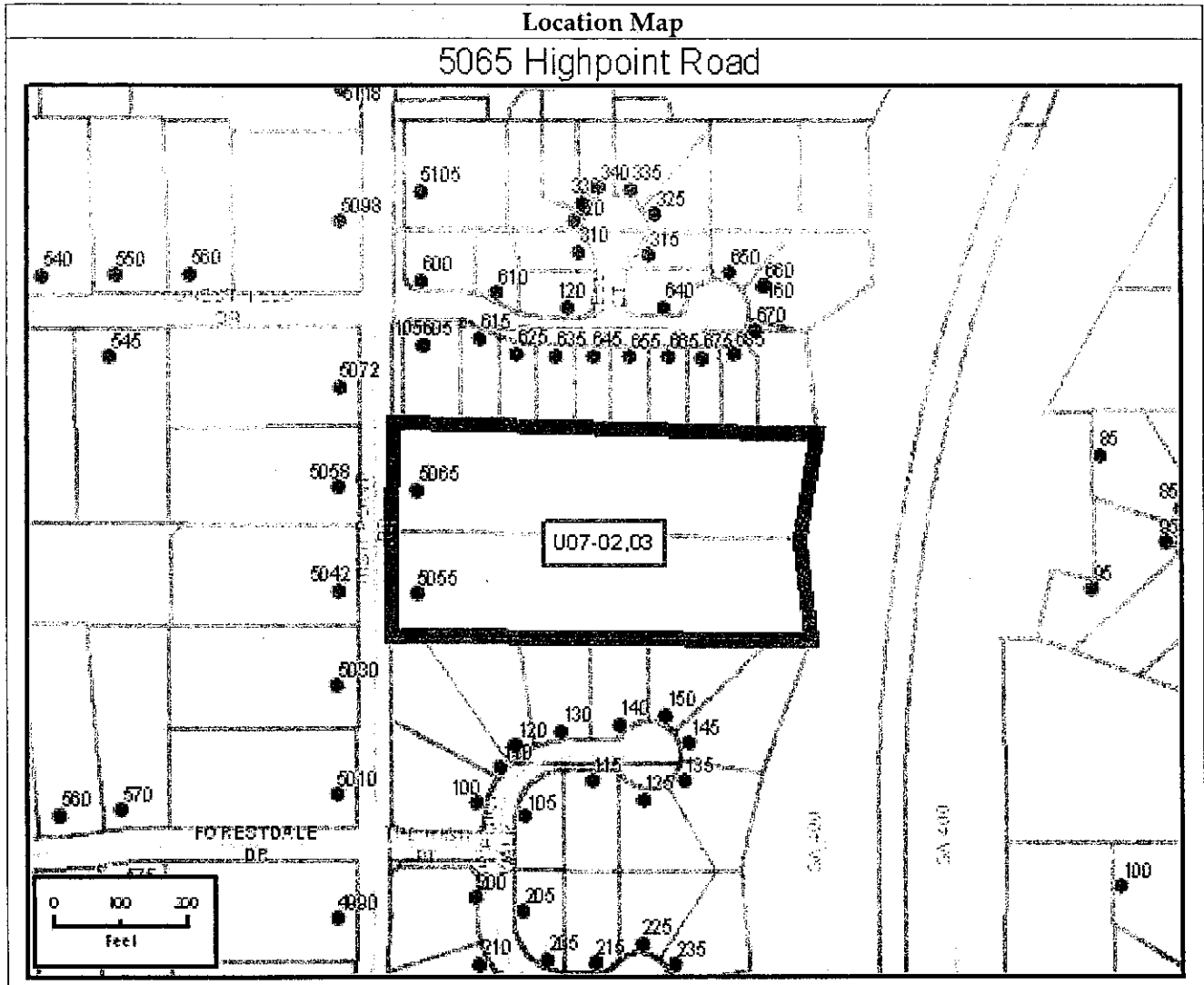
U07-002 - APPROVAL CONDITIONAL

CV07-002 Variance #1 - APPROVAL

CV07-002 Variance #2 - APPROVAL

CV07-002 Variance #3 - APPROVAL

U07-003 - APPROVAL CONDITIONAL



BACKGROUND

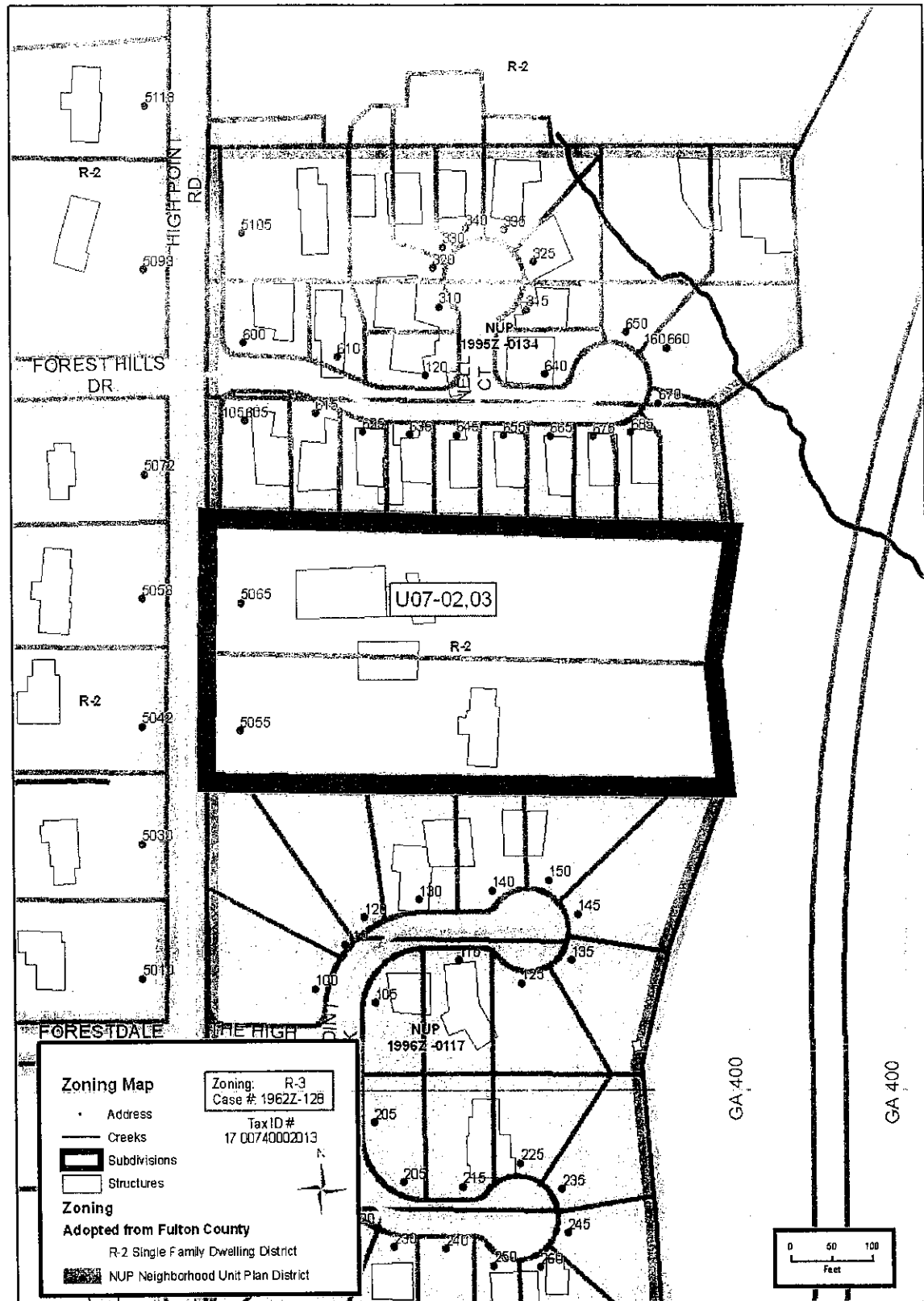
The site is located on the east side of High Point Road, approximately 1,900 feet south of the intersection with Northland Drive. The subject property is zoned R-2 (Single Family Dwelling District) conditional under Fulton County use permit cases U85-0173, U92-0020, and U92-0021. The site is currently developed with a 19,036 square foot synagogue.

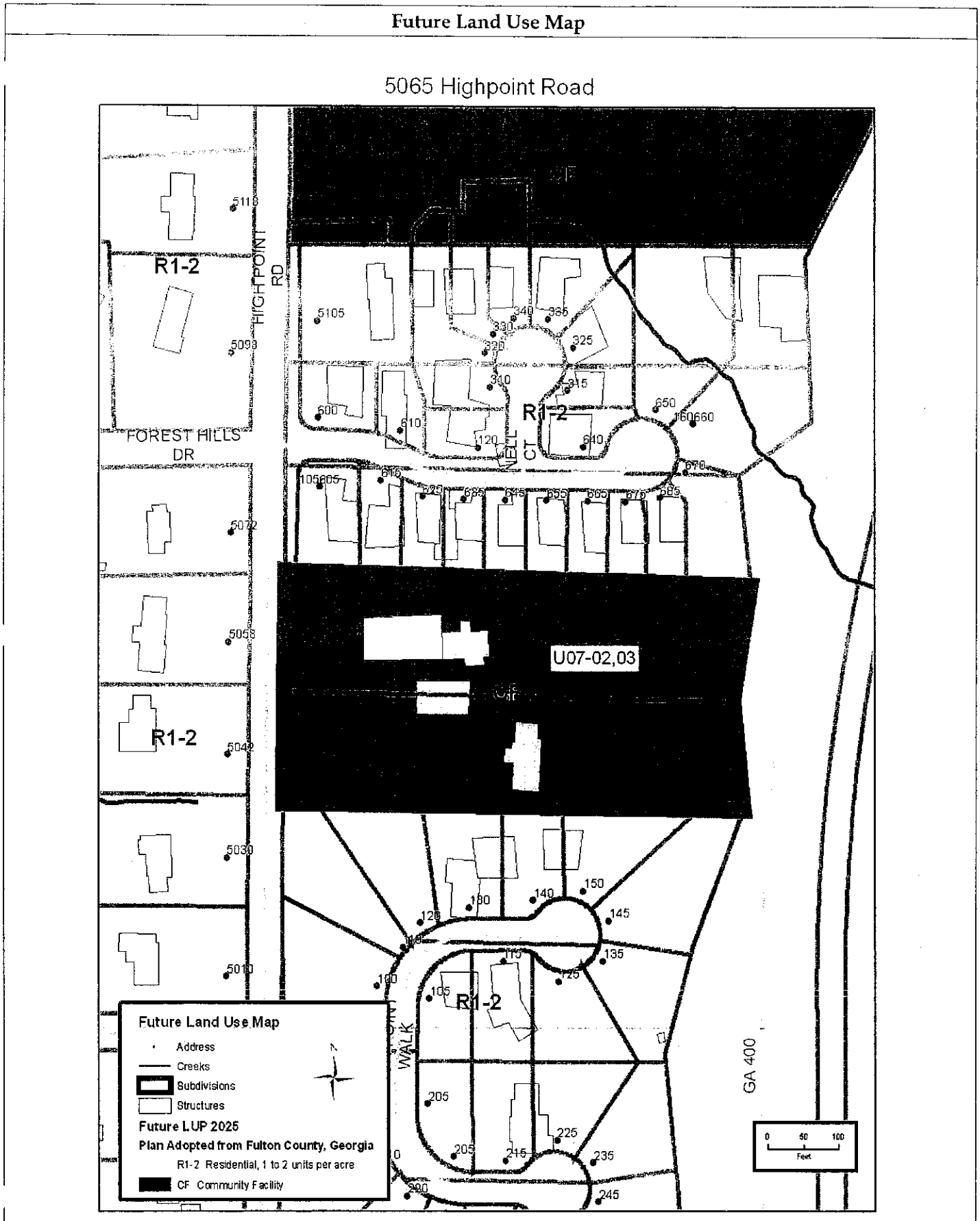
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION U07-002 CV07-002 U07-003	Proposed Use		Land Area (Acres)	Square Footage or Number of Units	Density (Square Footage or Units per Acre)
	Synagogue Preschool Mikvah		4.866	19,036 sf 13,600 sf 2,000 sf Total: 34,636 sf	3,912.04 sf/acre 2,794.90 sf/acre 411.02 sf/acre Total: 7,117.96 sf/acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	R-2, conditional U91-0020 U97-0036	5200 High Point Road - Greenfield Hebrew Academy	15.29	117,839 sf	7,706.93 square feet per acre
North	NUP, conditional Z95-0134	High Point Place subdivision	7.47	24 units	3.2 units per acre
South	NUP, conditional Z96-0117	High Point Walk subdivision	9.3	28 units	3.01 units per acre
East	Georgia 400				
West	R-2	5010-5118 High Point Road	7.05	7 units	0.99 units per acre

Zoning Map

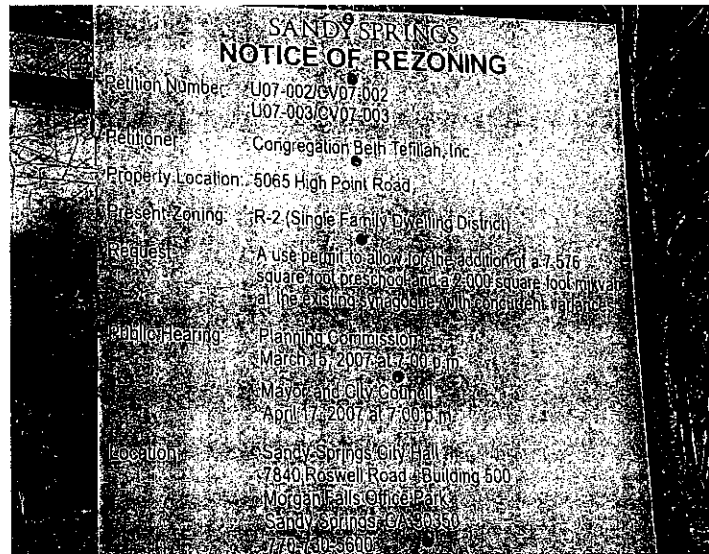
5065 Highpoint Road



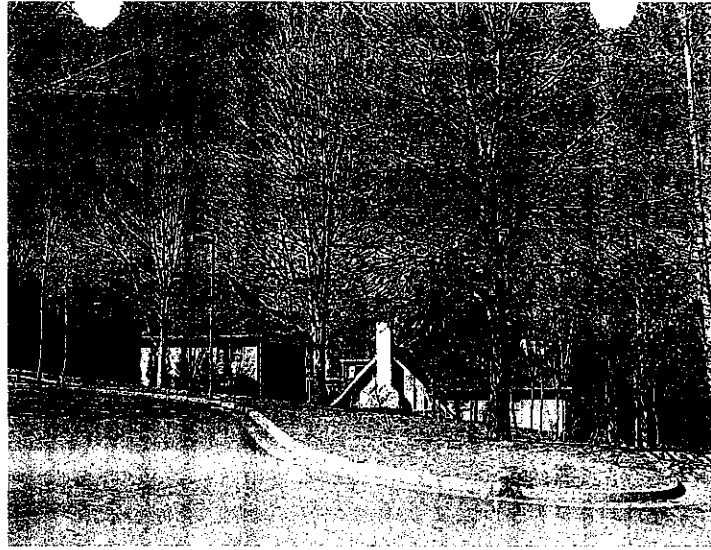




Photograph 1. Congregation Beth Tefillah (subject property).



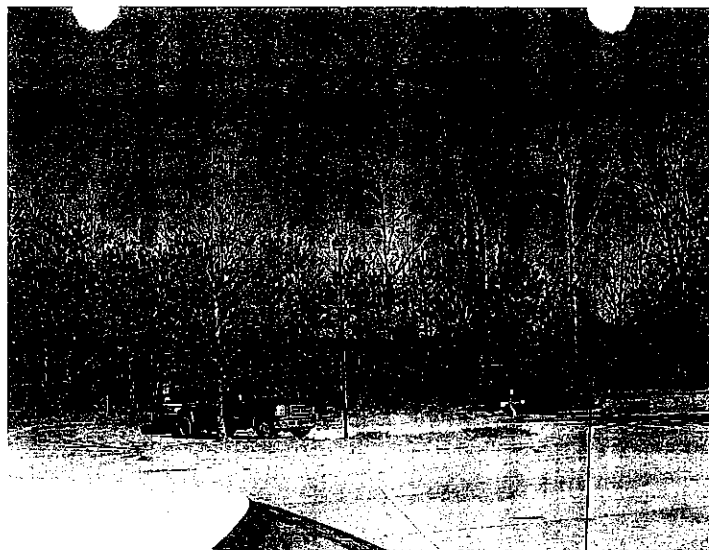
Photograph 2. Notice of Rezoning Sign.



Photograph 3. High Point Place subdivision (north of subject property).



Photograph 4. High Point Walk subdivision (south of subject property).



Photograph 5. Rear of subject property (facing east toward Georgia 400).



Photograph 6. 5042 and 5058 High Point Road (west of subject property).

SITE PLAN ANALYSIS

The site plan depicts the existing 19,036 square foot synagogue at the west side of the site adjacent to High Point Road. The applicant also proposes the addition of a 13,600 square foot preschool (U07-002) on the southeast side of the synagogue and a 2,000 square foot mikvah (U07-003) at the rear of the property adjacent to Georgia State Route 400. The site will have an overall density of 7,117.96 square feet per acre. The plan includes a single driveway from High Point Road.

The applicant has indicated that there will be a maximum of 128 students, ages 2 through 5 years, served by the preschool and up to 20 staff members.

PARKING AND TRAFFIC IMPACT ANALYSIS

The applicant indicates the site to be accessed by one curb cut along High Point Road. The applicant is proposing the site to be served by a total of 71 parking spaces at the rear of the subject property. Section 18.2.1, *Basic Off-Street Parking Requirements*, requires 1 parking space per 3.5 fixed seats in the largest assembly area for places of worship (76 spaces) and 1.7 spaces per 1,000 gross square feet of building area plus 1 space for every 4 employees on the largest shift for child care uses (29 spaces). At a minimum the site is required to have a total of 105 parking spaces to accommodate the proposed development. The applicant has provided documentation of a shared parking agreement with the Greenfield Hebrew Academy to the north, which has 100 parking spaces available for the synagogue to use outside of the hours the school operates.

LANDSCAPE PLAN ANALYSIS

Per Section 4.23.1, the subject property is required to have a twenty (20) foot landscape strip along the front (west) property line, a twenty-five (25) foot buffer and ten (10) foot improvement setback along the north and south property lines adjacent to residentially zoning property, and a ten (10) foot landscape strip along the rear (east) property line.

The applicant is requesting a concurrent variance to allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway. The applicant has provided for all other landscape areas as required.

CONCURRENT VARIANCES

The applicant is also requesting three (3) concurrent variances as follows:

1. To reduce the required 100 foot building setback to 92 feet adjacent to residentially zoned property along the south property line for a distance of 51 feet for the development of the preschool building (Section 19.4.10, *Church, Temple or Place of Worship*).

The applicant has stated that the request to encroach into the 100 foot building setback is necessary due to the shape, size, and unique topography of the subject property. Additionally, the applicant has indicated that the development of the preschool will require the demolition of an existing house and portable classroom on the site, which are currently further in the required setback than the preschool will be and currently cross into the required buffer area along the south property line.

The staff is of the opinion that the request to encroach into the 100 building setback with the proposed preschool is not in harmony with the general purpose and intent of the Zoning Ordinance. Therefore, the staff recommends **DENIAL** of this request.

2. To allow for an encroachment into the 100 foot building setback adjacent to residentially zoned property with the existing synagogue along the north and south sides of the building (35 feet on the north; 10 feet on the south) (Section 19.4.10, *Church, Temple or Place of Worship*).

The applicant has indicated that application of this provision of the ordinance to the existing structure would create an unnecessary hardship and that relief from the requirement would cause no detriment to the public, as the request will only be allowing the synagogue to remain as it exists today.

The staff is of the opinion that the request to encroach into the 100 building setback with the existing synagogue poses no detriment to the health and general welfare of the citizens of Sandy Springs. Therefore, the staff recommends APPROVAL of this request.

3. To allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

The applicant has stated that application of this provision of the ordinance to the existing driveway would create an unnecessary hardship and that relief from the requirement would cause no detriment to the public, as the request will only be allowing the driveway to remain as it currently exists.

The staff is of the opinion that the request to encroach into the 100 building setback with the existing driveway poses no detriment to the health and general welfare of the citizens of Sandy Springs. Therefore, the staff recommends APPROVAL of this request.

USE PERMITS

The applicant is requesting a use permit to allow for the addition of a 13,600 square foot preschool (U07-002) and a 2,000 square foot mikvah (U07-003) at the existing synagogue (19,036 square feet) (Section 19.4.10, *Church, Temple or Place of Worship*).

Per Article 19.2.4, *Use Permit Considerations*, the City Council shall consider each of the following:

- A. *Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Finding: The staff is of the opinion that the proposal is consistent with the Future Land Use Map, which designates the property as Community Facility (CF). The CF land use designation recommends uses such as government, public safety, recreation, park, hospital, healthcare, library, and cultural facilities. The applicant proposes to maintain the institutional use of the subject property by adding a preschool and mikvah to the existing synagogue.

- B. *Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

Finding: The staff is of the opinion that the community facility uses proposed are compatible with the land uses and zoning districts in the vicinity of the property. The subject property is located in an area that is predominantly developed with single family residential uses.

- C. *Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

Finding: The staff is of the opinion that the proposed use would not violate any local, state, and/or federal statutes, ordinances, or regulations.

- D. *The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on vehicular and pedestrian traffic flow along the property frontages. In addition to the required parking spaces, the applicant has provided a stacking/staging area that can accommodate approximately 45 vehicles.

E. The location and number of off-street parking spaces;

Finding: The applicant has provided sufficient parking for the site in a surface parking lot at the rear of the site.

F. The amount and location of open space;

Finding: The applicant has provided 74% open space area on the subject property, which is located throughout the site.

G. Protective screening;

Finding: The applicant is requesting a concurrent variance to allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway (Section 4.23.1, *Minimum Landscape Strips and Buffers*). The applicant has provided for all other required landscaping and buffering.

H. Hours and manner of operation;

Finding: The applicant has indicated hours of operation for the preschool component of the development as follows:

Monday - Friday, 8 a.m. to 2:30 p.m.

I. Outdoor lighting; and

Finding: The applicant has indicated that the existing site lighting will be maintained and that any additional lighting installed will be shielded to screen from the neighbors.

J. Ingress and egress to the property.

Finding: The applicant proposes one curb cut for the site along High Point Road.

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known wetlands, streams, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is located within the Zone X floodplain designation. There are also steep slopes on the site.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on February 7, 2007 at which the following departmental comments were provided:

BUILDING AND DEVELOPMENT DIVISION	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> There are no development requirements that need to be addressed at this time.
	Sandy Springs Building Plan Reviewer	<ul style="list-style-type: none"> The commercial structures must be designed and constructed per the 2006 International Codes with 2007 Georgia State Amendments and the 2005 NEC with 2006 Georgia State Amendments. There must be a code analysis by a design professional showing that sufficient egress paths are provided for the occupants of the preschool. Compliance with allowable area for the type of construction and occupancy must be verified by the design professional.
	Sandy Springs Landscape Architect/ Arborist	<ul style="list-style-type: none"> The proposed building will be located in an area that is part parking lot, existing building and part playground. No specimen trees or other features.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> Provide measures for fire department apparatus turn around in the parking lot. There shall be a minimum roadway outside turning radius at the curb of 40 feet. A fire hydrant must be within 150 feet of the fire department connection to the sprinkler system.
TRANSPORTATION	Sandy Springs Department of Transportation, Planning Engineer	<ul style="list-style-type: none"> Right-of-way dedication: 30' from centerline of High Point Road
	Georgia Department of Transportation	<ul style="list-style-type: none"> There are no GDOT requirements that need to be addressed at this time.

The staff has received comments from the Fulton County Board of Education (see attached). The staff has not received any additional comments from the Fulton County Emergency Services Department.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held January 23, 2007 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held February 21, 2007 at the Sandy Springs City Hall

Public Comments

There has been no opposition expressed by the public with regard to the application.

Notice Requirements

The petition was advertised in the Daily Report on March 8, 2007 and March 22, 2007. The applicant posted a sign issued by the Department of Community Development along the frontages of Roswell Road (SR 9) on February 2, 2007.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on April 17, 2007. The Public Participation Report must be submitted on or before April 10, 2007.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the use permit petition for the addition of a preschool and a mikvah at the existing synagogue is in conformity with the Comprehensive Plan Policies and Future Land Use Map as the proposal meets the recommended densities and conforms to the character of the existing neighborhood. However, the staff is of the opinion that the concurrent variance request to allow the proposed preschool to encroach into the building setback is inconsistent with the intent of the Zoning Ordinance. Therefore, based on these reasons, the staff recommends **DENIAL** of the request to allow the new building to encroach into the building setback. The staff recommends **APPROVAL CONDITIONAL** of the use permit petitions and the concurrent variance requests to allow the existing synagogue and driveway to remain the in the building setback and buffer.

STAFF RECOMMENDED CONDITIONS

The staff recommends **APPROVAL CONDITIONAL** of the use permit petitions to allow for the addition of a 13,600 square foot preschool (U07-002) and a 2,000 square foot mikvah (U07-003) at the existing synagogue (19,036 square feet) (Section 19.4.10, *Church, Temple or Place of Worship*), subject to the following conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Synagogue, mikvah, and associated accessory uses at a density of 4,323.06 square feet per acre or 21,036 square feet, whichever is less (U07-003).
 - b. Preschool and associated accessory uses at a density of 2,794.90 square feet per acre or 13,600 square feet, whichever is less (U07-002).
 - c. To a maximum of 128 students.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated January 16, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of High Point Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The light source of all external lighting in the development shall not be directly visible from adjoining residential properties.
 - c. To allow for an encroachment into the 100 foot building setback adjacent to residentially zoned property with the existing synagogue along the north and south sides of the building (35 feet on the north; 10 feet on the south) (CV07-002).
 - d. To allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the north property line with the existing driveway (CV07-002).

Attachments

Letter of Intent dated received January 2, 2007

Applicant Use Permit Considerations dated received January 2, 2007

Site Plan dated received March 7, 2007

Parking Requirements Letter dated received March 6, 2007

Parking Agreement dated received March 6, 2007

Prepared by the City of Sandy Springs Department of Community Development for the Mayor and City Council Hearing on April 17, 2007

Comment Letter from Fulton County Emergency Services Department dated received January 24, 2007

Comment Letter from Fulton County Department of Health and Wellness dated received February 23, 2007



January 2, 2007

Plan Review Division
Department of Community Development
City of Sandy Springs
7860 Roswell Road
Sandy Springs, Georgia

RECEIVED

JAN 02 2007

RE: Use Permit and Concurrent Variance Request
New Education Building
Congregation Beth Tefillah
5065 High Point Road, NE

**City of Sandy Springs
Community Development**

Ladies and Gentlemen:

We are submitting an application for a Use Permit and Concurrent Variance to allow the expansion of our building at 5065 High Point Road.

The purpose of our proposed expansion is to provide improved educational space for our existing Preschool. The existing Preschool on the property was recently converted to a Montessori program. We want to build classrooms that provide the necessary space to accommodate the special requirements of this form of education.

The new wing will accommodate 128 children of ages two through five years and up to twenty staff members. The building will include classrooms, children's activity spaces, and educational administration areas. The building will enclose 13,600 sf on two levels; the building footprint is 7576 sf and the height of the building will not exceed 35 feet.

Building the new structure will permit us to remove an existing portable classroom building and a residential building that was converted to educational space.

The proposed expansion complies with all setbacks and zoning requirements. We request one variance for an encroachment of approximately eight feet into the 100 foot setback for a distance of approximately 51 feet along the south façade. This projection in the floor plan aligns with the outermost dimension of the synagogue Sanctuary to the west of the expansion. New landscaping and fencing will increase the screening and visual separation between the school wing and the abutting residential properties.

The hardships that require this request are related to the topography of the site. We are condensing the footprint of the addition into a two story layout to reduce land coverage because of the significant slopes on the site so that we do not encroach into parking areas. The addition of this new wing will also allow the removal of the old house and portable classroom that now encroach into the landscape buffer and undisturbed buffer.

We are also seeking to reserve a small future building site of approximately 2,000 sf for a ritual bathhouse at the east end of the site adjacent to the Georgia highway 400

Plan Review Division
Department of Community Development
January 2, 2007
Page 2

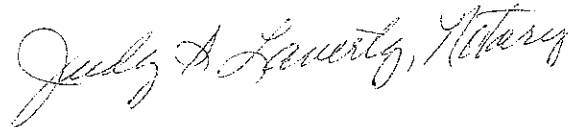
boundary as shown on the Site Plan. A separate variance application is being submitted simultaneously for this improvement.

We respectfully request approval of this Use Permit and Concurrent Variance request which will improve our educational facilities for families within the neighborhood and establish a greater distance between our building and our residential neighbors.

Sincerely yours,



Ian Silverstone
Building Committee Chair
Congregation Beth Tefillah



Application for Use Permit
Congregation Beth Tefillah
School Building Addition
Tax Parcel Identification Number(s) 0017-0040-0000-052 and 053

RECEIVED

JAN 02 2007

City of Sandy Springs, Georgia
January 2, 2007

**City of Sandy Springs
Community Development**

Use Permit Considerations

In the interest of the public, health, safety and welfare, the City Council may exercise limited discretion in evaluation the site proposed for a use which requires a Use Permit. In exercising such discretion pertaining to the subject use, the City Council shall consider each of the following:

- (1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;**
The use is consistent with the Comprehensive Land Use Plan.
- (2) Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;**
The use is a permitted use within the district and similar to several nearby facilities.
- (3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;**
The use does not violate any local, state or federal statutes, ordinances or regulations.
- (4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;**
The use has minimal impact on traffic flow along adjoining streets. Within the site, there is ample carpool stack space for at least 45 cars. (See also the que diagram on the accompanying drawing.)
- (5) The location and number of off-street parking spaces;**
There are 67 off-street parking spaces onsite. The synagogue also has an arrangement with nearby Greenfield Hebrew Academy to accommodate occasional overflow.
- (6) The amount and location of open space;**
The building footprint for the existing and proposed building covers 26,612 sf. The total open space is 185,351 sf or 87% of the site.
- (7) Protective screening;**
There will be heavy planting along the south border of the site and fencing around the school play yard.
- (8) Hours and manner of operation;**
The school is in operation from 8:00a.m. to 2:30p.m., Monday through Friday. The regular curriculum is conducted between 9:00a.m. and 1:00p.m.
- (9) Outdoor lighting; and**
The existing lighting will continue to be the main outdoor lighting. Supplemental lighting, if any, will be shielded to screen from neighbors.
- (10) Ingress and egress to the property.**
The existing driveway will continue to provide ingress and egress.